

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KIMBERLY BECK and TRAVIS LORENTZ,
INDIVIDUALLY and as PERSONAL
REPRESENTATIVES of CHARLES "GAGE"
LORENTZ, DECEASED,

Plaintiffs,

VS.

No. 2:20-cv-01280-MV-SMV

UNITED STATES OF AMERICA and
ROBERT JOHN MITCHELL, INDIVIDUALLY
and in his OFFICIAL CAPACITY as a
NATIONAL PARK RANGER,

Defendants.

VIDEOTAPED DEPOSITION OF RANGER ROBERT JOHN MITCHELL
March 29, 2022

9:09 a.m.

201 Third St. NW, Suite 900
Albuquerque, New Mexico 87102

PURSUANT TO THE FEDERAL RULES OF CIVIL
PROCEDURE, this deposition was:

TAKEN BY: Ms. Shannon L. Kennedy
ATTORNEY FOR PLAINTIFFS

REPORTED BY: Annette G. Aragon, NM CR #197
Paul Baca Professional Court Reporters
500 Fourth Street NW, Suite 105
Albuquerque, New Mexico 87102

1 called Measuring America. It was a history of the
2 development of weights and measures in the United States.
3 I found that to be one of the really good books I've
4 read.

5 **Q. So since 2003, in your solitude, do you**
6 **recall any other books that you have read that have had**
7 **an impact on you?**

8 A. The Professor and the Madman was one that I
9 really enjoyed.

10 **Q. Who wrote The Professor and the Madman?**

11 A. The name is not coming to me. He's written
12 a series of books. A British author. Simon Winchester.

13 **Q. How many books by Simon Winchester have you**
14 **read?**

15 A. There was another one about The Map That
16 Changed the World. I read that after I read The
17 Professor and the Madman. And I'd have to -- I'm not
18 sure if I've read any of the -- other books or not.

19 **Q. Other than the books you've just described,**
20 **are there any other books that have influenced you?**

21 A. I'm sure that there are other books; but,
22 you know, nothing specific is coming to mind.

23 **Q. What was the last book you read?**

24 A. Into a Raging Sea.

25 **Q. Who wrote Into a Raging Sea?**

1 **Q. Who has provided you psychiatric care for**
2 **the trauma?**

3 A. I've seen a provider in Carlsbad.

4 **Q. What's the name of that provider?**

5 A. Is that relevant?

6 **Q. Yes.**

7 A. Okay. Jamie Covington.

8 **Q. Who is Jamie Covington?**

9 A. She is a licensed social worker.

10 **Q. Is she a psychiatrist or a psychologist or**
11 **just a licensed social worker?**

12 A. As far as I know, she is a licensed social
13 worker.

14 **Q. When did you start seeing her?**

15 A. I'm going to guess that I started seeing her
16 in spring of last year.

17 **Q. So in March of 2021?**

18 A. That would be about right, when I first
19 started seeing her.

20 **Q. And why did you start seeing her?**

21 A. Okay. So I -- I need to correct something.
22 So in the weeks after the shooting, I started to see a
23 man named Michael Stoll; and Michael Stoll was in the
24 process of retiring. He referred me over to Jamie
25 Covington.

1 A. I think that was -- it was co-written
2 between a man named Bernie Webber and another writer, and
3 I don't recall the other writer.

4 **Q. When did you read that book?**

5 A. I don't know when I read it for sure. It's
6 the only book that I've successfully completed since the
7 shooting.

8 **Q. So in the last two years, you've only been**
9 **able to read one book?**

10 A. Yes.

11 **Q. Why is that?**

12 A. I've had a terrible time concentrating since
13 the incident.

14 **Q. Why have you had a terrible -- to your**
15 **knowledge, why have you had a terrible time concentrating**
16 **since the incident?**

17 A. I was traumatized.

18 **Q. Why do you believe you were traumatized?**

19 A. I felt like I was in a fight for my life.

20 **Q. So you think you were traumatized because**
21 **you felt like you were in a fight for your life?**

22 A. Yes.

23 **Q. Have you sought any psychiatric care for the**
24 **trauma?**

25 A. Yes.

1 **Q. Where did Michael Stoll work?**

2 A. In Carlsbad.

3 **Q. How do you spell his last name?**

4 A. S-t-o-l-l.

5 **Q. Where did he work in Carlsbad?**

6 A. I don't know the address, but he worked at a
7 place called -- the name of the business was Mindful
8 Journeys.

9 **Q. Mindful Journeys?**

10 A. Yes.

11 **Q. How did you find Mindful Journeys?**

12 A. I think I looked in the phone book.

13 **Q. Did you disclose to your employer following**
14 **March 21 of 2020 that you were seeking -- I'm going to**
15 **call it counseling, since these are social workers**
16 **providing services to you.**

17 MS. LYMAN: Objection. Form.

18 **Q. (BY MS. KENNEDY) Did you tell anyone that**
19 **you were having troubles?**

20 A. Yes.

21 **Q. Who did you tell?**

22 A. Erik Westpfahl knew.

23 **Q. And what did you tell him?**

24 A. That I was seeing somebody, a professional.
25 I don't think that he ever asked me about it other than

Page 54

1 **Q. In any of these times where you've sought**
2 **out mental health medical care, has anyone ever given you**
3 **a diagnosis?**
4 A. No.
5 **Q. Have you ever been diagnosed -- have you**
6 **ever, to your knowledge, been diagnosed by anyone that**
7 **you suffer from depression?**
8 A. No.
9 **Q. Have you ever been diagnosed, to your**
10 **knowledge, by anyone that you suffer from PTSD?**
11 A. Yes.
12 **Q. Who diagnosed you that you suffer from PTSD?**
13 A. Mike Stoll was the very first person to say,
14 "I think you have issues with PTSD."
15 **Q. Have you told anyone other than us under**
16 **oath here today that you have -- that you were diagnosed**
17 **with issues of PTSD?**
18 A. I don't recall that I've discussed it.
19 **Q. You testified earlier that there were other**
20 **traumas that you were addressing with Mr. Stoll. And**
21 **we've discussed the trauma of the shooting and we've**
22 **discussed the trauma of this horrific supervisor and**
23 **we've discussed the trauma of finding a dead body, a man**
24 **who killed himself, and we've discussed the trauma of**
25 **finding another dead body, the snowplow incident.**

Page 55

1 **What other traumas have you experienced**
2 **prior to the killing of Gage Lorentz?**
3 A. When I was in the Coast Guard, I was
4 involved in an incident where we had a woman jump off the
5 Coronado Bridge in San Diego as the ship was traveling
6 underneath the bridge.
7 I remember being on the boat crew that
8 picked her up. She was dead. The impact had knocked her
9 clothing off her body, shoes, earrings. Her eyeballs
10 looked like they were going to come right out of her
11 face.
12 That was not good. That was a bad day.
13 When I was in the Coast Guard, I did respond to a couple
14 of fatalities.
15 **Q. Did you have nightmares about finding her**
16 **dead body?**
17 MS. LYMAN: Objection. Form.
18 A. No.
19 **Q. (BY MS. KENNEDY) Did you, at least -- why**
20 **do you describe that as a trauma? What symptoms did you**
21 **suffer as a result of seeing her body in the condition**
22 **you just described?**
23 A. Oh, I remember feeling sad. I remember
24 feeling angry.
25 **Q. Who were you angry at?**

Page 56

1 A. I think mostly I was just angry at the
2 situation; that she would choose that as -- as her way of
3 coping with whatever she was dealing with.
4 **Q. So you were angry at her?**
5 MS. LYMAN: Objection.
6 **Q. (BY MS. KENNEDY) Were you angry at her?**
7 A. I don't feel angry at her. I think that she
8 was in a position where maybe she didn't know what to do.
9 **Q. How do you know that you felt angry as a**
10 **result of that incident?**
11 A. Oh, I remember feeling it. And I
12 remember -- luckily, luckily we were headed into port and
13 we moored. And I was able to make a phone call. And I
14 talked to my mother about it on the phone. And I think
15 that was probably very helpful.
16 **Q. What year was that?**
17 A. 1989.
18 **Q. Did you receive any kind of counseling as a**
19 **result of that incident?**
20 A. Yes. A lot of people witnessed that
21 incident. And because we were in port, we were in
22 San Diego, there was a call made and they brought a
23 chaplain in the next day to talk to the crew.
24 **Q. Other than talking to the chaplain, did you**
25 **receive any other mental health medical care services as**

Page 57

1 **a result of that incident?**
2 A. No.
3 **Q. What other traumas have you discussed with**
4 **Mr. Stoll?**
5 MS. LYMAN: Objection. Form and foundation.
6 And I would say that I believe these conversations with
7 Mr. Stoll are privileged.
8 MS. KENNEDY: You're asserting a social
9 worker privilege?
10 MS. LYMAN: Yes.
11 MS. KENNEDY: Okay. Are you instructing him
12 not to answer any more questions?
13 MS. LYMAN: Yes, I'm instructing him not to
14 answer.
15 MS. KENNEDY: Are you guys going to file a
16 motion for protective order?
17 MS. LYMAN: I believe we explained in our
18 responses to your discovery requests why we believe these
19 conversations are privileged. So if you continue with
20 this line of questioning, then we will.
21 MS. KENNEDY: Okay. I'm going to be asking
22 you to file a motion for protective order since you're
23 stopping my questioning of his conversations related to
24 trauma after the shooting of Gage Lorentz.
25 MR. ORTEGA: I think you're asking more

15 (Pages 54 to 57)

1 about that, Counsel. I think you're asking about
 2 specific conversations with a counselor, which are
 3 privileged. So on that basis, we would instruct Ranger
 4 Mitchell not to answer.

5 **Q. (BY MS. KENNEDY) Do you know the basis of**
 6 **your diagnosis for PTSD?**

7 MS. LYMAN: Objection. Form and foundation.

8 A. My understanding of PTSD is that it's
 9 different in different people; and after being exposed to
 10 abnormal events, that people and their minds react
 11 differently and it takes a different amount of time for
 12 each person's mind to process the incident and reset.

13 **Q. (BY MS. KENNEDY) But do you know why it is**
 14 **you suffer from PTSD?**

15 A. I don't know that I have an answer for that
 16 or explanation for that.

17 **Q. Do you believe, in your personal opinion,**
 18 **that you suffer from any other traumas?**

19 A. What I know from my training is that
 20 exposure to trauma is accumulative; and that the more
 21 traumas a person is exposed to, the more likely it is to
 22 build up inside.

23 **Q. How many traumas were you exposed to on and**
 24 **off the job prior to the killing of Gage Lorentz?**

25 MS. LYMAN: Objection. Form.

1 **identify as symptoms of depression after that incident?**

2 A. Yes.

3 **Q. What sorts of symptoms of depression did you**
 4 **suffer after that incident?**

5 A. The thing that I remember thinking the most
 6 was I really wish that I had had an opportunity to talk
 7 to these people before they went hiking and made a plan
 8 with them about what they wanted to do.

9 I think their choice of where they went and
 10 the day that they went was inappropriate and not in --
 11 not safe for them. And I think that if they'd have
 12 planned their trip, they could have left before sunrise
 13 and maybe been back to their vehicle in a couple of hours
 14 before it got too hot for them to be out.

15 And so the real regret was that I didn't get
 16 to speak to them concerning what they were doing.

17 **Q. Did you feel somewhat responsible that they**
 18 **didn't have an opportunity to speak to you?**

19 MS. LYMAN: Objection. Form and foundation.

20 A. I didn't feel responsible about that. I
 21 just think that if I'd had the opportunity to talk to
 22 them about where they were going and what their plans
 23 were, I could have talked them out of what they were
 24 doing and made a more appropriate decision based on the
 25 weather conditions.

1 A. I wouldn't know the number to that. It's
 2 not like I would -- would write them down or note them as
 3 something that -- that I want to revisit.

4 **Q. (BY MS. KENNEDY) Have you ever written**
 5 **anything down about any of the traumas you've described**
 6 **in testimony here today this morning?**

7 A. Nothing that I can think of.

8 **Q. Prior to killing Gage Lorentz, had you found**
 9 **any other bodies that you have not yet told us about?**

10 A. Yes.

11 **Q. What other bodies have you found?**

12 A. I did a search and rescue which turned into
 13 a search and recovery for a father and son in
 14 approximately 2017. They went hiking at Carlsbad Caverns
 15 on a day when it was about 118 degrees and they died of
 16 exposure.

17 **Q. Were you searching for their body?**

18 A. Yes.

19 **Q. And did you find their bodies?**

20 A. Yes.

21 **Q. And what did you do after finding their**
 22 **bodies?**

23 A. We had to process each scene and then carry
 24 the bodies out.

25 **Q. Did you suffer any symptoms that you would**

1 **Q. (BY MS. KENNEDY) And what symptomology of**
 2 **depression did you suffer as a result of finding those**
 3 **bodies?**

4 A. It's really sad that these people made the
 5 decision to go hiking when they did. And it left -- it
 6 left the rest of the family, you know, without the father
 7 and the son.

8 **Q. What symptoms of depression did you**
 9 **result -- did you suffer as a result of finding those**
 10 **bodies?**

11 A. Mostly I just thought that it was sad.

12 **Q. So it didn't cause you lose sleep?**

13 A. I don't think that I lost sleep over that
 14 one. I remember having to do the report and take the
 15 photos. My real feeling is that it was preventable.

16 **Q. Prior to killing Gage Lorentz, were there**
 17 **any other incidents of trauma that you've not yet**
 18 **testified about?**

19 MS. LYMAN: Objection. Form.

20 **Q. (BY MS. KENNEDY) By "incidents of trauma,"**
 21 **I mean, have you found any other dead bodies or did you**
 22 **have any -- did anything happen to you that caused you to**
 23 **suffer the symptoms of depression you previously**
 24 **described?**

25 A. There have been other incidents. I don't